THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 534 of 2005

Date of Decision: 16 -10- 2006

Kiran Bala **.....Petitioner**

v.

Harbans Lal **.....Respondent**

CORAM: HON'BLE MR.JUSTICE P.S.PATWALIA

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Present: Mr.S.K.Galhotra, Advocate
for the petitioner.

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P.S.PATWALIA, J. (Oral)

A perusal of the office report dated 1.9.2006 shows that notice issued to the respondent was received back with the report of refusal. Hence, service is complete.

No one has put in appearance on behalf of the respondent today. No one had appeared on his behalf on earlier two dates of hearing i.e. 4.9.2006 and 18.9.2006 as well.

The present revision petition challenges order dated 29.11.2004 vide which an application for grant of interim maintenance filed by the petitioner-wife under Section 24 of the Hindu Marriage Act, 1955 (hereinafter to be referred as, `the Act') was declined. The application was filed during the pendency of a divorce petition filed by the respondent-husband under Section 13 of the Act. A reading of the order passed by the learned Additional District Judge, Muktsar shows that the application was declined on the ground that the petitioner-wife was

working as a Social Studies Teacher and was earning Rs.15,000/- p.m. as salary whereas the respondent-husband is working as a Clerk in Punjab National Bank and receiving Rs.14,000/- as salary. The learned Additional District Judge found that since the petitioner-wife was drawing more salary than her husband, she was not entitled to any maintenance. A reading of the order would show that out of the marriage two children were born. At the time when impugned order was passed the elder child was 11 years old and studying in 6th class and the second child was 7 years old and studying in 3rd class.

Learned counsel for the petitioner-wife contends that since both the children are residing with the wife and being maintained by the wife, she is entitled to some maintenance on this ground alone. He submits that now the elder son is studying in 8th class and younger one in 5th class. He therefore states that the husband should also contribute some amount towards maintenance of these two children.

Having considered the submission made by learned counsel for the petitioner, I am of the opinion that a sum of Rs.1500/- should be granted to the wife as contribution of the husband towards the maintenance of the two children. This would partly defray the expenses towards education of the children. The respondent-husband is therefore liable to pay a sum of Rs.1,500/- p.m. to the petitioner-wife. The amount shall be paid with effect from the date the application was filed before the matrimonial Court.

The revision petition is disposed of in the above terms.

(P.S.PATWALIA)
JUDGE

October 16, 2006.

RC